IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO.50 OF 2004

Re: V. Sanjay Kumar & Co. & Ors. ..Debtors.

Ex parte :

Hargun Phatumal Godhwani .. Substituted Petitioning Creditor.

...

Ms. K.S. Lalwani for the Substituted Petitioning Creditor.
Debtor absent though served.

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CORAM: DR. D.Y. CHANDRACHUD, J.

19th August, 2006.

P.C. :

The Substituted Petitioning Creditor has been brought on the record by an order dated 6th September, 2005. An affidavit of service has been filed for proving service upon the Debtors by substituted service. The claim of the Supporting Creditor is based upon a decree passed by the City Civil Court in Summary Suit 3610 of 2001 for the recovery of an amount of Rs.51,790.19 together with future interest at the rate of 18% per annum on the principal sum of Rs.50,000/- from the date of the institution of the suit. In the affidavit in support, it has been stated that no part of

the decretal dues have been paid. The Debtors have been served. No reply has been filed. In these circumstances, the Petition would have to be made absolute and is accordingly made absolute in terms of prayer clauses (a) and (c).